IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15383 of 2004

Between:

N.Narayan Reddy, S/o Sathi Reddy,
R/o Hayathnagar, Ranga Reddy District.

..... PETITIONER

AND

The Depot Manager, APSRTC,

Kukatpally Depot, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or directions more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not allowing the petitioner to discharge his duties since 25-5-2004 without assigning any reason which is highly illegal, arbitrary, null and void and consequently direct the respondent to send the petitioner on line for the regular duty.

Counsel for the Petitioner:MR.S.PRADEEP KUMAR

Counsel for the Respondent No.: MR.V.T.M.PRASAD

The Court at the stage of admission made the following :

ORDER:

The petitioner is working as a driver in the respondent-Corporation since 1985. The grievance of the petitioner is that the respondent is preventing him from attending to duty from 25-05-2004 without assigning any reasons. He issued a legal notice on 30-06-2004 to the respondent to assign the reasons as to why he is not permitted to attend to duty. But the respondent did not give any reply to the said notice, and continues to keep him idle without assigning any duty. He therefore approached this Court seeking to declare that the action of the respondent in not allowing him to discharge the duties from 25-05-2004 without assigning any reasons.

The learned Counsel for the respondent represents that the petitioner quarreled with duty Controller and as a preliminary enquiry is being conducted, the petitioner was not assigned duty. He further submitted that he was assigned duty in June, 2004, but the petitioner was frequently absenting on medical grounds and failed to produce the fitness certificate for some days of his absence. If there is any failure on the part of the petitioner in producing the necessary certificates, or if there is any dereliction of duty on his part, the respondent may inform the petitioner in writing by giving the reasons for preventing him from attending to duty. The respondent is expected to act according to the rules and regulations and not as he likes by issuing oral orders,.

In the light of the above circumstances, the respondent is directed not to prevent the petitioner from attending the duty without assigning any reasons in writing. If any action is proposed to be taken, it may be taken by issuing written orders. It is needless to mention that the respondent would pay the salary to the petitioner for the period of duty. If the petitioner fails to report to duty, necessary action may be taken according to law.

The writ petition is accordingly disposed of.

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Dr. G. Yethirajulu, J.

Dt:14th October, 2004.

Rns.

To

1. The Depot Manager, APSRTC,

Kukatpally Depot, Hyderabad.

2. Two CD copies.